(19)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 7004/2007

PETITIONERS

1. Palu Ram Pradhan, aged about 41 years, Teacher, s/o Shri Sawan Ram, Tribal Welfare, Primary School, Khursaguda (Bachchanrav) Distt. Jashpur (C.G).
2. Dubraj Ram Yadav, aged about 40 years, Teacher, s/o Duryodhan Ram Yadav, Tribal Welfare, Primary School Danderahi, Distt. Jashpur (C.G)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Tribal Welfare Department & Education Department, D.K.S. Bhawan, Raipur (C.G.).
2. Asst.Commissioner, Tribal Welfare Department, Jashpur, Distt. Jashpur (C.G).
3. Block Education Officer, Bagicha, Distt. Jashpur (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava with Shri Akshay Yadav, Counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State/respondents on advance copy.

ORAL ORDER
(23.11.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed., examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 & 01.3.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96).*** He

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submits that the case of the petitioners is squarely covered by the said decision.

This legal position is not disputed by learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bhardwaj Vs. Municipal Corporation, Durg and another (supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed., Examination Certificate on their own expenses as per circulars dated 24.12.1998 & 01.3.1999 and further whether they have been paid two advance increments or not.

This petition stands finally disposed of at the motion stage itself. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge